

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:10-CV-154-RLV-DSC**

PROVIDENT LIFE AND ACCIDENT)	
INSURANCE COMPANY,)	
)	
Plaintiff,)	
v.)	
)	
LAURA M. SANDERS and DIANE M.)	
SANDERS,)	
)	
Defendant.)	
_____)	

ORDER

THIS MATTER is before the Court on Defendant Diane M. Sanders’ “Motion for Release of Medical Records” (document #21) and “Motion for Request for Production of Documents, etc.” (document #22), both filed August 18, 2010. On August 30, 2010, Plaintiff Provident Life and Accident Insurance Company filed its “Response to Motion for Request for Production ...” (document 24). The subject Motions are ripe for determination.

Rule 37(a)(1) of the Federal Rules of Civil Procedure permits a party to file a motion requesting that the Court compel discovery. However, the Local Rules provide that the discovery period does not commence until a Scheduling Order has been entered. LCvR 26.1. Upon a request to permit inspection of or to produce documents made pursuant to Fed. R. Civ. P. 34, “[a] motion to compel may be made if the opposing party fails to respond that inspection will be permitted, or fails to permit inspection ” Fed. R. Civ. P. 37(a)(3)(B)(iv). Finally, Rule 37 (a)(1) and Local Rule 7.1(B) provide that prior to filing a motion to compel discovery, the movant must first confer with the opposing party in an effort to resolve the matter without the Court’s involvement. Fed. R. Civ. P. 37(a)(1); LCvR 7.1(B).

It is clear from the record that the subject Motions are premature. A Scheduling Order has not been entered and discovery has not begun. There is also no indication in Plaintiff's Motions that she has served discovery requests or conferred with the opposing party in an attempt to resolve these matters informally.

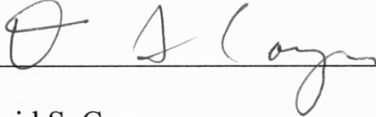
NOW, THEREFORE, IT IS ORDERED that:

1. Defendant Diane M. Sanders' "Motion for Release of Medical Records" (document #21) and "Motion for Request for Production of Documents, etc.," (document #22) are **DENIED**.

3. The Clerk is directed to send copies of this Order to counsel for the parties; to the pro se Defendant Diane M. Sanders; and to the Honorable Richard L. Voorhees.

SO ORDERED.

Signed: September 10, 2010



David S. Cayer
United States Magistrate Judge

